

Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

### Senate Bill 80 on Second Reading

Senator Creighton asked unanimous consent to suspend the regular order of business and take up S. B. No. 80 for consideration at this time.

There was objection.

Senator Creighton then moved to suspend the regular order of business and take up S. B. No. 80 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—21

Aikin	Lane
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Reagan
Fuller	Rogers
Gonzalez	Secrest
Hardeman	Smith
Herring	Willis
Kazen	

#### Nays—5

Baker	Ratliff
Krueger	Roberts
Martin	

#### Absent

Hazlewood	Schwartz
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#### Absent—Excused

Hudson	Weinert
Owen	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 80, A bill to be entitled "An Act authorizing incentive aid payments to certain independent school districts; specifying the conditions for such incentive payments, and making other provisions relating thereto; containing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Creighton offered the following committee amendment to the bill:

Amend Senate Bill No. 80 by adding Section 2a to read as follows:

"Section 2a. The cost of Incentive Aid Payments hereby authorized shall be paid from the Foundation School Fund. Such costs shall be considered and included by the Foundation School Fund Budget Committee in estimating the funds needed for purposes of the Foundation School program and such Incentive Aid Payments."

The committee amendment was adopted.

Senator Krueger offered the following amendment to the bill:

Amend S. B. No. 80 as printed, Section One line 32, Page 1 to strike out the words and figures "ten (10) years" and insert in lieu thereof the words and figures "five (5) years."

The amendment was read.

Senator Creighton moved to table the amendment.

Question on motion to table, Yeas and Nays were demanded.

Question—Shall the amendment by Senator Krueger to S. B. No. 80 be tabled?

### Adjournment

On motion of Senator Hardeman the Senate at 11:47 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

### Welcome Resolution

S. R. No. 276, By Senator Hazlewood: Extending Welcome to Mr. and Mrs. H. L. Allison et al. of Amarillo.

### FORTY-SEVENTH DAY

(Wednesday, April 5, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Fuller
Baker	Gonzalez
Calhoun	Hardeman
Colson	Hazlewood
Creighton	Herring
Crump	Kazen
Dies	Krueger

Lane	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Schwartz
Owen	Secrest
Parkhouse	Smith
Patman	Weinert
Ratliff	Willis

Absent—Excused

Hudson

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, where there is envy and strife, there is confusion and every evil work. Cleanse our hearts of all selfishness, and grant that out of confused issues there may come simplicity of plans; out of fear, confidence; and out of frustrations, peace and power. We pray in Thy name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leave of Absence

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Dies.

#### Reports of Standing Committees

Senator Parkhouse submitted the following report:

Austin, Texas,  
April 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 424, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Crump submitted the following report:

Austin, Texas,  
April 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was

referred S. J. R. No. 18, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

#### Message from the Governor

The following message received the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,  
April 5, 1961.

To the Senate of the Fifty-Seventh Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a member of the Advisory Hospital Council, to fill the unexpired term of Phil Carter, resigned, term to expire July 17, 1965: Wayne D. Butchee of Newton, Newton County.

Respectfully submitted,

PRICE DANIEL,  
Governor of Texas.

#### House Concurrent Resolution 16 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 16, Granting permission to Constantino Costella and Sebens Costella to sue the State of Texas and the Texas Highway Department.

The resolution was read and was adopted.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 52, Inviting Gabe Paul to speak to Joint Session of House and Senate.

H. C. R. No. 61, Extending congratulations to the Ex-Students Association of Texas Technological College and designating "Texas Tech Day."

S. C. R. No. 26, Authorizing Board for Texas State Hospitals and Special Schools to negotiate with United States Government for securing surplus land available at Camp Wallace in Galveston County.

S. C. R. No. 41, Authorizing Clerk of House to make certain corrections in H. B. No. 59.

S. B. No. 68, A bill to be entitled "An Act providing for the licensing of by-product, source and special nuclear materials and the registration of other sources of ionizing radiation; authorizing the Governor of the State of Texas to enter into an agreement with the Atomic Energy Commission transferring from the Federal Government to the State of Texas certain regulatory powers; designating the Texas State Department of Health as the State Radiation Control Agency; establishing the Radiation Advisory Board; defining terms; prescribing penalties for violation thereof; permitting the development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public; and declaring an emergency."

S. B. No. 417, A bill to be entitled "An Act applying to every city or town incorporated and operating under a Home Rule Charter; validating ordinances or other proceedings heretofore adopted by the governing body thereof; etc.; and declaring an emergency."

#### House Concurrent Resolution 33 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 33, Granting permission to Frankie LeRoy Davis and Mary Jean Davis to sue the State of Texas and the Texas Highway Department.

The resolution was read and was adopted.

#### House Concurrent Resolution 41 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 41, Granting permission to Annie Mae Allen to sue the State of Texas and the Veterans Land Board.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 38 with House Amendments

Senator Hardeman called S. C. R. No. 38 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate concur in the House amendments.

The motion prevailed.

#### House Bill 77 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 77, A bill to be entitled "An Act amending Article 49 of the Election Code of Texas, 1951, relating to certificates of exemption; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 77 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Fuller
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Kazen
Crump	Krueger
Dies	Lane

Martin	Reagan
Moffett	Schwartz
Moore	Secrest
Owen	Smith
Parkhouse	Weinert
Patman	Willis
Ratliff	

**Present—Not Voting**

Gonzalez	Rogers
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**Absent**

Roberts

**Absent—Excused**

Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Concurrent Resolution 7  
on Second Reading**

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 7, Granting permission to McNeil Griffin to sue the State of Texas and the State Highway Department.

The resolution was read and was adopted.

**Senate Resolution 283**

Senator Parkhouse offered the following resolution:

Whereas, Tom Keene and Robert "Skipper" Trimble are members of the Kappa Alpha Fraternity of Southern Methodist University of Dallas, and

Whereas, The Kappa Alpha Fraternity is keeping alive the traditions of the Old South and the Confederacy, and

Whereas, These two fine young men in true Confederacy Cavalry fashion, have ridden into Austin from Dallas on horseback in celebration of "Old South Week" at Southern Methodist University to deliver invitations to

the Governor of this State and his family to attend a ball carrying out the traditions of the Old South, now, therefore, be it

Resolved, That we commend these two fine young men for their arduous trip through rain and cold on the completion of their mission.

The resolution was read and was adopted.

**Motion to Adjourn**

On motion of Senator Martin the Senate agreed to stand adjourned at the conclusion of the Joint Session held pursuant to the provisions of H. C. R. No. 49 until 10:30 o'clock a.m. tomorrow.

**Committee on Jurisprudence**

On motion of Senator Hardeman and by unanimous consent the Committee on Jurisprudence was granted permission to meet while the Senate was in session.

**Session for Consideration of Local  
and Uncontested Bills Calendar**

On motion of Senator Martin and by unanimous consent the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar on Tuesday, April 11, 1961.

**At Ease**

On motion of Senator Martin and by unanimous consent the Senate agreed to stand At Ease until the Joint Session pursuant to provisions of H. C. R. No. 49. at 2:00 o'clock p.m. today.

**Joint Session**

The President Pro Tempore called the Senate to order as in Joint Session at 2:15 o'clock p.m. today in the Hall of the House of Representatives and announced a quorum of the Senate present.

Honorable James Turman, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present.

Mr. Garland Adair and party were

announced by the Doorkeeper of the House.

Mr. Adair and party were escorted to the Speaker's Rostrum by Representatives Hollowell, Roberts of Hill, Lewis, Pipkin and Miller.

The Speaker of the House presented Representative Bill Hollowell of Grand Saline. Mr. Hollowell presented Mr. A. Garland Adair, Executive Director of the Texas Heritage Foundation to the Joint Session.

Mr. Adair presented Mrs. Henry Slatner, the wife of the artist who painted the Seals of Texas, Colonel Maybin Wilson, a member of the Texas Heritage Foundation and then presented General K. L. Berry to the Joint Session.

Mr. Berry addressed the Joint Session outlining the history of the Great Seal of Texas and then presented a painting of the State Seal to the Senate of Texas and a painting of the State Seal to the House of Representatives of Texas.

The President Pro Tempore accepted the painting on the part of the Senate and the Speaker of the House accepted the painting on the part of the House.

#### Welcome Resolutions

S. R. No. 281, By Senator Herring: Extending welcome to students and their teachers of Fulmore Junior High School of Austin.

S. R. No. 282, By Senator Dies: Extending welcome to Mr. and Mrs. C. L. Dupuy of Lufkin.

#### Memorial Resolution

S. R. No. 280, By Senator Willis: Memorial Resolution for Baylor L. Agerton.

#### Adjournment

The President Pro Tempore announced at 2:35 o'clock p.m. that the Senate would stand adjourned until 10:30 o'clock a.m. tomorrow on motion previously adopted in the Senate.

**In Memory of**  
**Major General Paul L. Wakefield**

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Senator Herring offered the following resolution:

(Senate Resolution 279)

Whereas, The State of Texas lost one of its most distinguished and worthy sons in the death of Major General Paul L. Wakefield at his Austin home on March 23, 1961; and

Whereas, As soldier, newspaperman, historian, public official, patron of the arts, and advisor to Governors and others of high place in our State and Nation, Paul Wakefield reflected vast credit upon himself and his friends. Above all, he was a warm, sincere and helpful person, whose greatest contributions to his beloved native state were those made quietly and without demand for personal credit or public acclaim. Nonetheless, the roll of his public services to community, state and country was long and impressive; and

Whereas, General Wakefield was a veteran of both World Wars and of the Korean War. A journalism graduate of the University of Texas, he was with the Houston Chronicle before World War I and was at one time executive assistant to the late Jesse H. Jones, Chronicle Publisher. He later worked for the United Press in Paris and New York; and

Whereas, He was active in major political campaigns and a trusted advisor of Texas Governors beginning with Governor Pat M. Neff. Chief executives of this State entrusted him with many important missions and assignments. From 1949 to 1955 he served by Presidential Appointment as State Selective Service Director; and

Whereas, In recent years his chief concern had been the Texas Heritage Foundation, as President of which he was responsible for the preservation of historical documents, articles and sites which otherwise would have been lost to posterity; and for the publication of books and articles contributing to our Texas history and heritage; and

Whereas, General Wakefield, who would have been 66 years old on May 6, 1961, is survived by his wife, Mrs. Lois Wakefield, and two sons, Paul S. Wakefield of Houston and Major C. B. Hodges, now stationed in Morocco; now, therefore, be it

Resolved, That the Senate of the Fifty-seventh Legislature hereby acknowledges our State's great debt to Paul L. Wakefield, and in this manner marks his memory as a token of respect and gratitude for a life of integrity, good works, devotion to duty, and constant loyalty to God and Country.

**HERRING**

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzales, Hardeman, Haslewood, Hudson, Kasen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Krueger and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.